

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board<sup>1</sup>  
Docket No. 05-350

Shawn McCormack,	)
Appellant,	)
	)
v.	)
	)
Town of Leicester and John	)
Couture,	)
Appellees	)
	)

**BOARD'S RULING ON APPEAL**

**Procedural History**

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant asks the Board to grant a variance from 780 CMR 3603.8.1 (minimum ceiling heights, exception #3) of the Massachusetts State Building Code ("MSBC") for 4 Douglas Drive, Leicester, MA. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on January 4, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board. Present and representing the property owners was Shawn McCormack ("the Appellant"). There was no representative present from the Town of Leicester Building and Fire Departments.

**Discussion**

A motion was made to grant the Appellant's request for a variance from 780 CMR 3603.8.1 (minimum ceiling heights, exception #3) of the MSBC in order to lower the ceiling height of a finished basement to six feet ten inches with soffit heights of six

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<sup>1</sup> This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108.

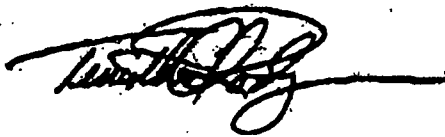
feet four inches with the following stipulations: window number 1 which is located between the recreational room and the garage must be blocked off with fire rated materials; an approved smoke detector which is in compliance with existing MSBC requirements must be installed; HRV type mechanical ventilation with heat recovery must be installed; the basement must never be used as a sleeping room and the door between the recreational room and the garage must be in compliance with current MSBC. Motion carried 3-0.

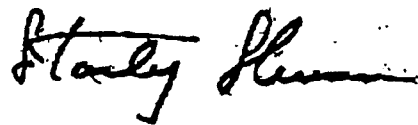
**Conclusion**

The Appellant's request for a variance from 780 CMR 3603.8.1 (minimum ceiling heights, exception #3) is hereby **GRANTED**.

**SO ORDERED.**

  
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HARRY SMITH

  
\_\_\_\_\_  
TIMOTHEE RODRIQUE

  
\_\_\_\_\_  
STANLEY SHUMAN

DATED: January 24, 2007

*\* In accordance with M.G.L. c. 30A § 14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.*